

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

GREGORY BLACKWELL,	)	
	)	
Petitioner, pro se,	)	
	)	1:10CV27
v.	)	1:07CR200-12
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on May 18, 2010, was served on the parties in this action. Petitioner timely objected to the Recommendation.

The Court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. Considering the evidence the Government would have presented had Mr. Blackwell taken the stand and denied possessing firearms to protect drug proceeds or during the cooking of crack, he would have been placed at high risk not only of being found to have obstructed justice, a two level enhancement, but of losing the three level reduction for acceptance of responsibility. The Court therefore adopts the Magistrate Judge's Recommendation.

**IT IS THEREFORE ORDERED** that Petitioner's motion to vacate, set aside or correct sentence [Docket No. 405] is **DENIED** and that this action is dismissed with prejudice. A Judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This, the 18th of August, 2011.

/s/ N. Carlton Tilley, Jr.  
Senior United States District Judge